

# STATE OF NEW YORK

7459

2021-2022 Regular Sessions

## IN SENATE

October 20, 2021

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the social services law, in relation to reimbursement for home health services; and making in appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 368-a of the social services law  
2 is amended by adding a new paragraph (g-1) to read as follows:

3 (g-1) Notwithstanding paragraph (g) of this subdivision, section three  
4 hundred sixty-four-j of this title or any other provision of law,  
5 reimbursement for home health services provided in accordance with para-  
6 graph (d) of subdivision two of section three hundred sixty-five-a of  
7 this title by an individual or shared aide provided by an approved home  
8 health agency when such services are determined to be cost effective and  
9 appropriate to meet the recipient's needs for assistance shall be  
10 increased to include an amount necessary to cover the disparate labor  
11 and overtime costs associated with complying with the COVID-19 vaccine  
12 mandate and to offer incentive pay to retain and recruit workers. The  
13 commissioner shall develop methodologies for calculating such delivery  
14 costs which are separate from direct personal care. Such reimbursement  
15 increase shall include all home health services provided for eligible  
16 recipients under this article, including those available or obtained  
17 through federal waivers.

18 § 2. The sum of one hundred million dollars (\$100,000,000) is hereby  
19 appropriated for services and expenses for home care agencies to  
20 increase services provided by registered nurses, licensed practical  
21 nurses, certified nursing assistants, and home health care aides to  
22 cover labor and overtime costs and to offer incentive pay to retain and  
23 recruit workers sufficient to attain the highest practicable physical,  
24 mental and psychological well-being of each patient. Any disbursements  
25 from this appropriation shall be distributed pursuant to a plan submit-  
26 ted by the commissioner of the department of health and approved by the  
27 director of the budget.

28 § 3. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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